

Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 HA-05 CIAE-00 DODE-00 PM-05 H-01
INR-10 L-03 NSAE-00 NSC-05 PA-01 SP-02 SS-15
ICA-11 IO-13 /084 W
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P 181741Z JUL 78
FM AMEMBASSY MOSCOW
TO SECSTATE WASHDC PRIORITY 4481
INFO AMEMBASSY BELGRADE
AMEMBASSY BERLIN
AMEMBASSY BUCHAREST
AMEMBASSY BUDAPEST
AMCONSUL LENINGRAD
AMCONSUL MUNICH
AMEMBASSY PRAGUE
AMEMBASSY SOFIA
USMISSION USNATO
AMEMBASSY WARSAW

C O N F I D E N T I A L SECTION 01 OF 02 MOSCOW 16806

E.O. 11652: GDS
TAGS: CSCE, SHUM, UR
SUBJECT: ORLOV APPEAL DENIED

1. THREE-MAN RUSSIAN REPUBLIC SUPREME COURT COLLEGIUM
JULY 18 UPHELD MOSCOW CITY COURT CONVICTION AND SEN-
TENCE OF HUMAN RIGHTS ACTIVIST YURIY ORLOV TO SEVEN
YEARS IN LABOR CAMP AND FIVE YEARS IN EXILE. NO
FURTHER APPEAL IS POSSIBLE.

2. ORLOV, WHO HAS BEEN ACTING AS HIS OWN COUNSEL, WAS
NOT PRESENT. HIS WIFE, IRINA ORLOVA, AS WELL AS TWO
SONS BY A PREVIOUS MARRIAGE, SASHA AND DYMA, WERE
ALLOWED INTO HEARING ROOM, BUT OTHER SUPPORTERS,
INCLUDING ACADEMICIAN SAKHAROV, WERE DENIED ADMITTANCE.
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EMBOFF ALSO NOT PERMITTED TO ENTER.

3. ORLOV'S WRITTEN APPEAL WAS NOT READ BEFORE THE
TWENTY OR SO ASSEMBLED SPECTATORS. INSTEAD, ACCORDING
TO ORLOV FAMILY, PROSECUTOR PICKED OUT POINTS AND
PASSAGES FOR COMMENTARY, ALLEGING THAT ORLOV IN HIS
APPEAL COMPLAINED THAT

--HIS CASE HAD BEEN HEARD BEFORE A ONE-SIDED AND UNOBJECTIVE COURT;
--THE WITNESSES HE REQUESTED HAD NOT BEEN ALLOWED TO TESTIFY ON HIS BEHALF;
--MANY OF THE DOCUMENTS HE REQUESTED WERE NOT ENTERED INTO THE COURT RECORD;
--HE WAS CONSTANTLY INTERRUPTED AND NOT ALLOWED TO MAKE HIS CASE;
--MANY OF THE PROSECUTION'S DOCUMENTS WERE NOT MADE PUBLIC.
PROSECUTOR REPORTEDLY REBUTTED THAT ORLOV HAD TO BE INTERRUPTED BECAUSE HE INSISTED IN ENGAGING IN ANTI-SOVIET PROPAGANDA.

4. IN HIS WRITTEN APPEAL, ORLOV REPORTEDLY ARGUED THAT HE HAD NOT COMMITTED ANY CRIME BECAUSE HIS AIM HAD NOT BEEN TO SUBVERT THE SOVIET SYSTEM. HOWEVER, COUNTERED THE PROSECUTOR, THE VERY NUMBER OF DOCUMENTS ORLOV HELPED COMPOSE AND THE ILLEGAL WAY IN WHICH THEY WERE PRODUCED AND GIVEN WIDE DISTRIBUTION, INCLUDING TO FOREIGN RADIO STATIONS AND PUBLICATIONS, MADE OBVIOUS ORLOV'S CRIMINAL INTENTION TO SUBVERT.

5. PROSECUTOR REPORTEDLY WENT ON TO DESCRIBE ALLEGEDLY SUBVERSIVE ACTS BY ORLOV:
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--IN 1973, ORLOV'S FIRST PUBLIC LETTER OF APPEAL SLANDERED BOTH THE SOVIET SYSTEM AND MARXIST-LENINIST TEACHINGS.

--IN 1975, ORLOV'S "IS A NON-TOTALITARIAN TYPE OF SOCIALISM POSSIBLE?" NOT ONLY SLANDERED PRESENT-DAY SOCIALISM BY LABELING IT TOTALITARIAN, BUT ALSO CONSTITUTED A "CALL FOR REVISION OF THE SYSTEM". THUS ORLOV SMEARED NOT ONLY THE SOVIET SYSTEM AND MARXISM-LENINISM, BUT ALSO "REAL SOCIALISM".

--ORLOV HAS WRITTEN THAT SOVIET "CORRECTIVE LABOR INSTITUTIONS" ARE DESIGNED FOR THE "DESTRUCTION OF THE PERSONALITY". THIS IS ALSO CLEARLY SLANDER AND DOCUMENTS AND WITNESSES TESTIFY TO IT: THEY DON'T FEED YOU CAVIAR THERE, BUT YOU CAN STILL LIVE.

--OTHER DOCUMENTS HAVE SLANDERED SOVIET MEDICINE, WHICH IS FIRST IN THE WORLD. ORLOV HAS CHARGED THAT SOVIET PSYCHIATRIC HOSPITALS USE MEDICATIONS WITHOUT CONTROL "TO REMEDY FREE INTELLECTS AND TO DESTROY THE CONSCIENCE." BESIDES SLANDERING SOVIET MEDICINE, THIS ALSO WEAKENS AND BLACKENS THE AUTHORITY OF THE SOVIET GOVERNMENT.

--IN THIS CONNECTION, ORLOV HAS DEVOTED A SERIES OF DOCUMENTS TO PLYUSHCH (NOW IN THE WEST). BUT PLYUSHCH REALLY IS SUFFERING, EVEN RIGHT NOW, OF A SLOWLY DEVELOPING TYPE OF SCHIZOPHRENIA AND SHOULD BE TREATED.

6. INTRODUCTORY REMARKS BY ONE MEMBER OF JUDICIAL PANEL AND PROSECUTOR'S REBUTTAL OR ORLOV'S APPEAL LASTED TWENTY MINUTES. AFTER ONE HOUR TWENTY MINUTE BREAK - ORLOV SUPPORTERS OUTSIDE COURTROOM SPECULATED PANEL WAS PROBABLY PLAYING DOMINOES - JUDGES CAME BACK

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C O N F I D E N T I A L SECTION 02 OF 02 MOSCOW 16806

IN TO REPORT TERSELY THAT "THE JUDICIAL COLLEGIUM OF THE RSFSR SUPREME COURT HAS DETERMINED TO LET STAND UNCHANGED THE DECISION OF THE MOSCOW CITY COURT AND NOT TO SATISFY THE APPEAL OF ORLOV."

7. MRS. ORLOV THEN ASKED WHEN SHE COULD SEE HER HUSBAND AND WAS TOLD THIS WOULD BE DECIDED ELSEWHERE LATER. AFTER RELATING FINAL COURT PROCEEDINGS TO THOSE GATHERED OUTSIDE, FAMILY WENT OFF TO MOSCOW

CITY COURT TO TRY TO SET UP VISIT. FAMILY HAS NOT SEEN ORLOV SINCE HIS CONVICTION TWO MONTHS AGO, DESPITE LEGAL STIPULATION THAT ONE VISIT BE PERMITTED AFTER CONVICTION AND ANOTHER AFTER APPEAL. ON JULY 13 MRS. ORLOV WAS ABLE TO DELIVER A FOOD PARCEL FOR HER HUSBAND AT MOSCOW'S LEFORTOVA PRISON, BUT DID NOT
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SEE HIM.

8. FOR THE RECORD, PROSECUTOR AT TODAY'S APPEAL WAS ONE VOROBYOV, "REPRESENTATIVE OF THE RSFSR PROCURACY." THE PRESIDING JUDGES WERE KULICHKOV, GAVRILIN, AND FEDYAKIN. COURTROOM AUDIENCE REMAINED SILENT THROUGHOUT. IN CORRIDOR OUTSIDE COURTROOM, FOUR WESTERN EUROPEAN REPORTERS (BBC, DPA, AFP AND GERMAN TV) JOINED APPROXIMATELY FIFTEEN APPARENT ORLOV SUPPORTERS, INCLUDING BOTH SAKHAROV, PROFESSORS MEIMAN AND ALPERT, AND YOUNG ASTROPHYSICIST ULYANOVSKIY. NO AMERICAN REPORTERS WERE PRESENT; THEY WERE PRESUMABLY COVERING WHITNEY-PIPER PROCEEDINGS ELSEWHERE IN MOSCOW. OTHER THAN EMBOFF, NO DIPLOMATS PRESENT.
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TAGS: SHUM, PINT, UR, CSCE, (ORLOV, YURIY)
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